

### **REMARKS**

This paper is being provided in response to the Office Action dated January 13, 2006, received in connection with the above-referenced application. In this response, Applicant has amended claim 78 to clarify that which Applicant regards as the invention. Applicant respectfully submits the amendments to the claims are fully supported by the originally-filed specification.

Applicant gratefully acknowledges the allowance of claims 65-77.

The rejection of claims 78-80, 83 and 86-88 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,018,049 to Mehnert (hereinafter "Mehnert") is hereby traversed and reconsideration is respectfully requested.

Independent claim 78, as amended herein, recites a portable electrical control and display device. A housing contains an indicator element and a control element. The housing includes a transparent protective sight glass and has an open end. A sleeve accommodates the indicator element and the control element. At least one sealing device closes the open end of the housing in a water-right manner, the sealing device including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve. When the housing and the sleeve are joined together, the ridge engages the groove to close said open end of the housing in the water-tight manner. Claims 79-88 depend directly or indirectly on independent claim 78.

The Mehnert reference discloses a housing for electronic switchgear. Mehnert's device includes an inner sleeve 1, an outer sleeve 3 and a stopper 2 that is sealingly inserted into the sleeves.

Applicant's independent claim 78 recites at least the features of a sealing device that closes the open end of the housing in water-tight manner, the sealing device including a peripheral groove and matching peripheral ridge arranged at opposite locations on the housing and the sleeve. When the housing and sleeve are joined together, the ridge engages the groove to close the open end of the housing in the water-tight manner. Applicant notes that it is the engagement of the ridge and groove found on the housing and sleeve that provides the closing of the housing in the water-tight manner that is recited by Applicant's presently claimed invention and which has been clarified by Applicant by amendments herein.

In rejecting the above-noted features of Applicant's claims, the Office Action appears to cite to two different portions of Mehnert's device. On one hand, the Office Action cites to the bead 12 and groove 13 of Mehnert's device shown in Figure 2 of Mehnert. However, this bead and groove configuration of Mehnert's device is positioned away from the opening of the housing and is stated by Mehnert as defining the relative position of inner sleeve 1 and outer sleeve 3. See col. 4, lines 15-17 of Mehnert. Applicant points out that Mehnert's bead and groove configuration does not close the end of the outer sleeve 3 (housing) in a water-tight manner and is not positioned on the device to do so.

The Office Action also appears to suggest that the stopper 2 of Mehnert anticipates the sealing device having the above-noted features as claimed by Applicant. Mehnert's device is sealed by the stopper 2 that has a groove 14 into which an O-ring 15 is disposed to provide the sealing action. However, the stopper 2 of Mehnert is a separate element that does not disclose a sealing device comprising a matching ridge and groove disposed on a housing and sleeve and that provides the water-tight seal, as is claimed by Applicant. As noted above, the bead 12 and groove 13 that are positioned on the inner sleeve 1 and outer sleeve 3 of Mehnert's device are not so disposed or configured to provide a water-tight seal.

Accordingly, Applicant respectfully submits that Mehnert does not teach or fairly suggest Applicant's presently claimed invention of a portable electrical control and display device that includes at least the features of a sealing device including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve, wherein when the housing and sleeve are joined together, the ridge engages the groove to close the open end of the housing in the water-tight manner. In view of the above, Applicant respectfully request that this rejection be reconsidered and withdrawn.

The rejection of claims 78, 81-82 and 84-85 under 35 U.S.C. 103(a) as being unpatentable over Mehnert in view of U.S. Patent No. 6,532,152 to White et al. (hereinafter "White") is hereby traversed and reconsideration is respectfully requested.

The features of independent claim 78 are discussed above with respect to Mehnert. Claims 81-82 and 84-85 depend therefrom.

The White reference discloses a ruggedized hand held computer. The Office Action cites to White as disclosing a transparent protective sight glass, an indicator element being an acoustic indicator and a control element being a keyboard.

Applicant respectfully submits that White does not overcome the above-noted deficiencies of the Mehnert reference with respect to Applicant's presently claimed invention. Specifically, neither White nor Mehnert, taken along or in combination, teach or fairly suggest at least the features of a portable electrical control and display device that includes at least the features of a sealing device including a peripheral groove and a matching peripheral ridge arranged at opposite locations on the housing and the sleeve, wherein when the housing and sleeve are joined together, the ridge engages the groove to close the open end of the housing in the water-tight manner, as is claimed by Applicant. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The rejection of claims 89-94 under 35 U.S.C. 103(a) as being unpatentable over Mehnert is hereby traversed and reconsideration is respectfully requested in view of the amendments to the claims contained herein.

Independent claim 89 recites a portable electrical control and display device. A housing contains an indicator element and a control element. The housing includes an open end, a transparent protective sight glass and a control area portion, wherein the control area portion is disposed in a corresponding position to the control element and includes at least one component

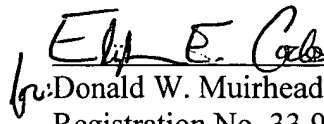
that contacts the control element when the control element is engaged. A sleeve accommodates the indicator element and the control element. The sleeve includes a peripheral ridge that engages a matching peripheral groove on the housing to close the open end of the housing in a water-tight manner. Claims 90-94 depend directly or indirectly on independent claim 89.

Applicant reiterates that Mehnert does not appear to disclose a ridge and groove positioned on the housing and sleeve to close an open end of the housing in a water-tight manner, as is claimed by Applicant. As noted above, Mehnert's device includes a bead 12 and groove 13 disposed away from an opening of an outer sleeve 3 that define relative positions of the outer sleeve 3 and an inner sleeve 1, but are not disposed or configured to provide a water-tight seal. The stopper 2 of Mehnert that does provide a seal is a distinct unit from the outer sleeve and inner sleeve components and configured to provide a seal differently than the ridge and groove on the housing and sleeve that engage to close the open end of the housing in a water-tight manner, as claimed by Applicant. Accordingly, in view of the above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
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